

REMARKS

The Interview

Applicants thank the Examiner for the interview conducted on November 15, 2005 and for the comments provided in aiding applicants in furthering the prosecution of this application.

In the interview an agreement was reached. The subject matter of the agreement, including the amendments to the claims, is outlined in the interview summary provided by the Examiner on November 15, 2005. The amendments herein are the ones agreed upon in the interview.

Priority

The first paragraph of the specification is amended. All the information appearing therein is removed and a claim to priority to U.S. 60/424,712, filed November 8, 2002 is inserted. Concurrently filed is a Petition To Accept A Delayed Claim For Priority Under 35 U.S.C. § 1.55(c).

35 USC § 112

Support for the rejected matter as lacking written description can be found, for example, on page 16 of the specification.

35 USC § 103

Ghosal (US 6,290,996) teaches 5-15% rutin in the composition taught therein. Nothing in '996 teaches or suggests removing rutin. See column 2, lines 34-36. Ghosal (US 6,124,268), which is a parent of the '996 reference provides more information on rutin in the Ghosal compositions. '268 teaches the same 5-15% rutin in the composition on column 2, lines 37-45 and that "in the presence of Rutin, a synergistic antioxidative-radical captodative effect was observed for the constituents in CAPROS." (Emphasis added.) The representative sampling is taught to have 10% rutin. See column 4, line 56-60. '268 on column 12, lines 2-13, teaches that "Conjugated polyoxygenated flavonols, in CAPROS, (e.g. Rutin) offer synergistic action as secondary antioxidant agents. ... Hence, the presence of Rutin, along with Em-A/B, augments

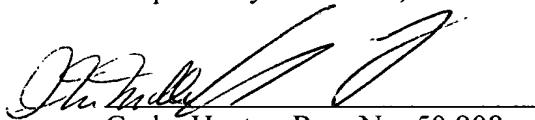
the antioxidative-radical captodative actions of CAPROS.” (Emphasis added.) Nothing in this reference teaches or suggests removing or even lowering by any amount the concentration of rutin in the compositions taught therein.

Dewhirst is cited to teach topical administration. Nothing in Dewhirst teaches or suggests modifying the compositions of Ghosal in such a way as to achieve the claimed invention.

Reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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